

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES,

Plaintiff,

**Case No. 2:04-cr-00161
JUDGE GREGORY L. FROST**

v.

KEVIN GRANT,

Defendant.

ORDER

On October 13, 2015, Defendant filed a motion for reconsideration of this Court's September 28, 2015 Order denying his motion to reduce sentence. (ECF No. 155.) Defendant simultaneously filed a notice of appeal of the same September 28, 2015 Order. (ECF No. 156.)

It is well settled that the filing of a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58–60 (1982).

Although Federal Rule of Appellate Procedure 4(a)(4) effectively nullifies a notice of appeal in civil cases where there exists a pending motion for reconsideration, *see Bong v. Long*, 892 F.2d 79, *1 (6th Cir. 1989), there is no such corresponding provision in the criminal context. *See Fed. R. Civ. P. 4(b)(3)*. Instead, the corresponding rule for criminal cases is limited to motions under Federal Rule of Criminal Procedure 29, 33, 34, and 35, *see Fed. R. App. Pro. 4(b)(3)–(5)*, none of which are at issue in this case.

As such, the general rule applies and this Court lacks jurisdiction to consider the motion for reconsideration. The Court accordingly **DENIES AS MOOT** the motion. (ECF No. 155.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE